

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-450321-001 DT

01/29/2014

COMMISSIONER MONICA GARFINKEL

CLERK OF THE COURT

L. Kaeseberg

Deputy

STATE OF ARIZONA

HEATHER LEE KIRKA

v.

MICHAEL JOSEPH WOOSTER (001)

DOB: 04/09/1979

TYRONE MITCHELL

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE OF IMPRISONMENT

11:02 a.m.

Courtroom SCT 2A

State's Attorney: Harold Brenneman for Heather Kirka

Defendant's Attorney: Tyrone Mitchell

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided, the Court finds probation is neither mandatory pursuant to A.R.S. § 13-901.01(H)(4) nor appropriate pursuant to the Plea Agreement.

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Count 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: POSSESSION OR USE OF DANGEROUS DRUGS
Class 4 Felony

A.R.S. § 13-3401, 13-3407, 13-3416, 13-3418, 13-610, 13-701, 13-702, 13-801, 13-901.01(D), 13-901.01(H)(4)

Date of Offense: 10/16/2013

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2.5 years from 01/29/2014

Presentence Incarceration Credit: 45 days

Presumptive

Sentence is concurrent with CR 2013-460179-001DT.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Count 1 - Total amount of \$1,830.00, which includes surcharges of 83%.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 1: PROBATION SURCHARGE: \$20.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 1 - \$13.00.

Investigative Agency:

Phoenix Police Department

Count 1: Drug Offense Assessment in the amount of \$15.00.

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The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Count 2 and, if applicable, the State's allegation of Defendant's prior felony conviction(s) or that (s)he was on probation at the time of the offense.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR 2013-460179-001DT.

The Court recommends the Defendant be placed in a facility of the Department of Corrections that will allow the Defendant to receive substance abuse treatment.

11:09 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER MONICA GARFINKEL
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)